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Guthrie, William Dameron

Speech of
William D. Guthrie...

[New York]

[1914]

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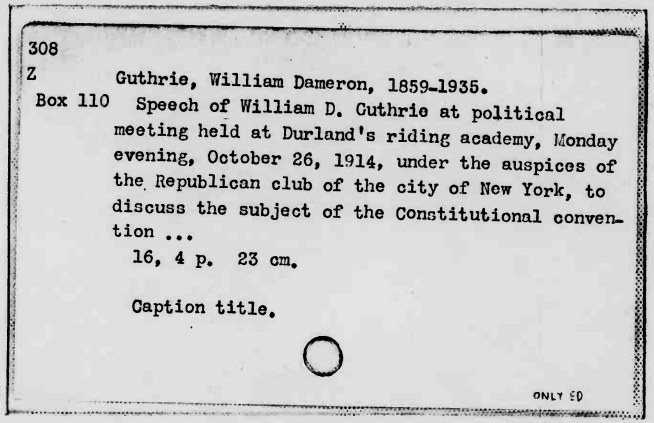
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Z Guthrie, William Dameron, 1859-1935.
Box 110 Speech of William D. Guthrie at political meeting held at Durland's riding academy, Monday evening, October 26, 1914, under the auspices of the Republican club of the city of New York, to discuss the subject of the Constitutional convention ...
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SPEECH

OF

WILLIAM D. GUTHRIE

AT

POLITICAL MEETING HELD AT DURLAND'S RIDING ACADEMY, MONDAY EVENING, OCTOBER 26, 1914,

UNDER THE AUSPICES OF

THE REPUBLICAN CLUB OF THE CITY OF NEW YORK

TO

DISCUSS THE SUBJECT OF THE CONSTITUTIONAL CONVENTION.

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The noblest task that can be confided to any body of men in a civilized and free community is that of framing a constitution. The unique and essential characteristic of American political and civil liberty is a written constitution prescribing the powers that may be exercised by the three branches of our republican form of government, restraining legislative and executive authority, and protecting the individual however humble and the minority however small from despotism, tyranny and spoliation. Hence, the most important office in our whole political system is that of delegate to a constitutional convention, for to such delegates are entrusted the preservation and perpetuation of all that is worth living for, of political liberty in its truest sense, of that code of political justice and political moral precepts which we call a constitution. If the American people, who are supreme in their political sovereignty, desire recklessly to cast aside the constitutional morality of their fathers and the self-restraints which they imposed and deemed necessary, they have the power to do so. It all lies with the electorate. The people can pull down in one election day all the safeguards of the past, all that the labors of centuries have wrought, all those eternal prin-

ciples of right and honest and just conduct which have protected the individual, under which we Americans have been free and prosperous and happy, and which are essential to the permanent welfare of the State as well as of the Nation.

Many of us had hoped that at this particular time, when our constitutional institutions are being assailed and put to the severest test, the people of the State of New York would insist upon a non-partisan Constitutional Convention. If ever there can be an occasion when the principle of the Massachusetts ballot should have been applied, it was in the selection of delegates to such a convention. Yet on the very day when Governor Glynn and the Tammany legislature enacted the Massachusetts ballot law and were loudly taking to themselves the credit which belonged to others, they deliberately violated the fundamental principle of that law by forcing through the Legislature against many protests a bill providing that both the delegates at large and the district delegates should be chosen under the old party column system and not under the reformed system. Why was this done? Because Governor Glynn and his Tammany associates cunningly conceived that, if the vote for delegates to the Constitutional Convention were under the old political column instead of the Massachusetts ballot, delegates would be chosen according to party affiliation and not according to personal qualification and merit, that the Progressive vote would then be confined to its own separate party column, and that if the Democratic party should win the election a Tammany Constitutional Convention would be assured. If the Democrats now succeed in electing their delegates at large as well as their general ticket, our state government will become completely Tammanyized: two out-and-out Tammany followers will represent us at Washington as United States Senators, and the Governor, the Legislature, the Constitutional Convention and soon the Court of Appeals will all be Tammany. Never before in the history of the State and the long career of Tammany Hall

has that disgraceful organization been so flagrantly and defiantly corrupt and debauched, so unworthy and unfit to hold political office—and yet so powerful.

The great majority of the nominees of the Republican party for delegates to the Constitutional Convention are superior in qualification to most of those nominated by the Democratic party. Nearly all the Republican delegates at large are especially qualified for the work: at the head of them stands Elihu Root, the ablest man in public life and the leading statesman of our day, who was the leader of the Republicans in the Constitutional Convention of 1894 and who ought to be the President of the Convention of 1915; then Seth Low, the ex-President of Columbia University and ex-Mayor of New York, the best type of American citizen, patriot and gentleman, ever ready to make any sacrifice in the public service, indisputably able, singularly talented and especially equipped by education and training and sympathy for the task; ex-Attorney General Wickersham, able, learned, thoroughly familiar with constitutional law and the problems of the day, with a splendid and unparalleled record of administration and achievement at the head of the Department of Justice in Washington; ex-Ambassador Jacob Gould Schurman, President of Cornell University, whose talents, scholarship and unblemished character are known to all and constitute one of the best assets of the State of New York; Louis Marshall, recognized as a leader of our bar, learned and trained, exceptionally qualified for the work by past experience, having been a prominent member of the Convention of 1894; Judges Clearwater and Rodenbeck, the very best kind of representatives of our profession, able as lawyers, as judges and as statesmen; Henry L. Stimson, ex-Secretary of War, able, capable, industrious, high-minded, intensely patriotic and devoted to public service, known to every New Yorker, a fit spokesman for all that Governor Hughes represented; Herbert Parsons, another representative of the finest type of patriotic lawyers, with adequate training as a mem-

ber of Congress, scholarly, courageous, uncompromising, who has done more than any one man to reform and build up the Republican organization in this city; ex-Senator Edgar Truman Brackett, leader of the bar in Saratoga County, staunch American, thoroughly qualified for the work of a Constitutional Convention by long experience at the bar and in the legislature. I have not the time to speak of them all; but the people will make no mistake in electing the Republican delegates at large, and they will thereby prevent Tammany Hall from dominating the coming Constitutional Convention. I do not mean to suggest that some of the Democratic nominees are not of the highest ability and character and in every way desirable delegates to the Convention. I have particularly in mind such nominees as ex-Chief Judge Cullen and ex-Judges O'Brien and Herrick, whose learning, patriotism, unblemished character and long judicial experience ought to be available in the Convention and will undoubtedly be volunteered and at its service even if they are not elected as delegates at large. I might mention several other Democratic candidates. In view, however, of the character of the ballot, we must urge electors to vote the party column except where they will individually take the pains carefully to discriminate among the candidates. The importance of securing the very best delegates to the Convention cannot be exaggerated, and it dwarfs all other issues.

I have been requested, with the approval of our distinguished presiding officer, to speak also upon some of the general issues of the campaign. These issues are uppermost in our minds; they vitally affect our permanent interests; they equally present the menace of Tammany domination, and they may influence voters in their action upon the delegates to the Constitutional Convention.

The pity and the discouraging aspect of the present campaign are that many reputable Democrats, that fine and patriotic type of Democrats who three times in our

generation have repudiated Bryanism and helped save the honor of the country, are now supporting Tammany Hall and sacrificing the best interests of the State of New York upon the amazing theory that the election of another Tammany United States Senator and a Democratic Governor and the Democratic delegates at large to the Constitutional Convention is necessary in order to uphold a Democratic President in enforcing our neutrality laws! Until this extraordinary campaign, we had all supposed that neutrality was not a party question, that it had been the traditional policy of our national government since the days of Washington, that it was the policy of the Republican administration under President Grant in 1870, that it had always been the policy of the Republican party, that no Senators have supported the President more ardently and effectively than those great Republican statesmen Senator Root and Senator Lodge, and that it would be plainly unpatriotic to attempt to treat the question as a proper or decent subject for partisan exploitation. The misery of the present war is indeed being used to make strange political bedfellows when we find the administration of Woodrow Wilson openly supporting Tammany in New York and the Roger Sullivan organization in Illinois!

With these conscientious Democrats, who are profoundly stirred by the horrors of the European war and somewhat confused as to their political duty and particularly in assuming that the Republican party is no longer the party of national patriotism, are associated certain gentlemen who for eleven months of the year are avowedly opposed to Tammany Hall, but who in October, for one reason or another satisfactory to themselves and their consciences, feel that they must at least at that time assist with their votes and influence every Tammany candidate.

I have elsewhere pointed out that the State of New York has indeed fallen to a low estate if we must now take both our United States Senators from the ranks of Tammany Hall. It is reasonably certain that under ordinary circumstances and sane political conditions Judge Gerard would

not be accepted as a fit candidate of a great party to succeed Senator Root, that his pretensions to statesmanship would be derided, and that it would strike every one who knew him as ridiculous to have him paraded as superior in education, training, character, or patriotism to the Republican candidate, James W. Wadsworth, Jr.

There is no time tonight to repeat the facts which were mentioned two weeks ago in regard to the connection of Judge Gerard with Tammany Hall. He comes out this morning in a cable message protesting his independence as a Democrat. But let his past acts be considered by candid men in determining whether he can now be relied on to be independent and not subservient to Tammany.

Is it or is it not true that, for four years before being nominated by Tammany Hall for Justice of the Supreme Court, Mr. Gerard was chairman of its Campaign Committee and as such solicited from members of the bar and business men in New York contributions to Tammany Hall? I have in my hands one of his letters suggesting that checks or money be sent to him at his law office.

Is it or is it not true that Mr. Justice Gerard appointed as his law secretary at an annual salary of from $2,500 to $3,500, paid out of the public treasury, the nephew of Charles F. Murphy, a young man named John J. Murphy, who was not a lawyer, who had very limited ability or intelligence, and who never rendered any services except of a menial character?

Is it or is it not true that Mr. Justice Gerard appointed as his personal attendant a Tammany politician named Thomas D. McCarthy, who is still on the pay-roll as a court clerk, that this man was paid out of the public treasury a salary of $1,500 and later of $1,800 for all his time, and that, nevertheless, he was appointed receiver by Judge Gerard in no less than sixty-seven instances?

Is it or is it not true that Mr. Justice Gerard appointed as receiver or referee in at least twenty cases a man named Eugene L. Parodi, who had a desk in the office of Senator Foley, who had only recently been admitted to

the bar, and who had previously been a process server and detective, or investigator as detectives now euphemistically call themselves? Do not the records show that this man Parodi collected over $5,000 for his services in one of these cases and $2,000 in the Brewster case to which I referred two weeks ago? Is it not the fact that Senator Foley acted as attorney for Parodi as receiver and thereby further mulcted litigants appealing to our Supreme Court for justice?

Is it or is it not the fact that the records show that Senator Foley was appointed referee or receiver at least eleven times by Mr. Justice Gerard?

Were these and other like appointments by Mr. Justice Gerard made because of competency, merit and character, or were they made because of political affiliations?

Is it or is it not true that an examination of Mr. Justice Gerard's appointments will show subserviency to the influence of Tammany Hall?

Is it or is it not true that Tammany henchmen connected with the Supreme Court and paid out of the public treasury are today devoting the public's time to the service of Tammany's candidates? The same McCarthy is now an assistant special deputy clerk at a salary of $2,500 per annum. I have in my hand three whole page samples of what is called boiler-plate matter, which fulsomely praise the Democratic candidate for United States Senator. This stuff is being issued and distributed by McCarthy as manager of the Gerard Campaign Committee. One of these plates is headed as follows:

> "This matter is supplied free of charge upon the order of interested parties. Kindly have copy of your paper containing same mailed to Thos. D. McCarthy, County Court House, Chambers Street, New York City. Metal to be returned to American Press Association."

The Gerard Campaign Committee has its headquarters at the Hotel Martinique, with McCarthy advertised as manager. Why was the County Court House used in these

political advertisements if not to create in some oblique way an impression that the Supreme Court was behind ex-Judge Gerard's campaign? If you will go to the Court House, you will find McCarthy and his staff industriously distributing this trash unless, of course, the exposure tonight routs them and they retire to the Martinique.

Let us now turn from this picture to Wadsworth's career, and then ask ourselves whether he cannot be trusted to rise above partisanship if patriotism so dictates.

Graduating from Yale in the Spring of 1898, he enlisted as a private in the Pennsylvania Field Artillery on the breaking out of the Spanish-American war, and served in the Porto Rican campaign and until the corps was mustered out at the end of the war. He then went to the Philippine Islands, and served there as a volunteer, acting as orderly to the Colonel of the Third United States Infantry and participating in several severe engagements. Returning to the United States he engaged in farming in Geneseo. Later he served six terms in the New York legislature, beginning in 1905, and five times was elected Speaker of the Assembly. In 1910 he made a trip around the world in order to study international politics. On his return, he assumed the management of a large ranch in Texas of over 550,000 acres, and this brought him in contact with business men all over the country and particularly in the Middle West. He was the Republican candidate for Lieutenant Governor in 1910, and ran 10,000 votes ahead of the candidate for Governor. Senator Root has publicly declared that Wadsworth has demonstrated the greatest promise of any young man in American political and public life, that it was inconceivable that a man with Wadsworth's traditions and associations could be other than patriotic, and that he would be happy indeed if on the 4th of next March he could walk down the centre aisle of the United States Senate and introduce as his successor the son of Congressman James W. Wadsworth and the grandson of a great Union general who died on the field of battle.

Senator Root referred to the splendid traditions of the

Wadsworth family, which has figured honorably in American history from long before the Revolution. A Wadsworth was member of the Continental Congress and was Washington's Commissary General; a Wadsworth was a Brigadier General in the War of 1812; James Wadsworth, our candidate's great-grandfather, was the leading pioneer of Western New York and founded the public and normal school systems of the State; Major General Wadsworth, his grandfather, was killed at the Battle of the Wilderness "that this nation might live," to quote Lincoln's noble and immortal words, and in his honor a few days ago a monument was dedicated on the field of Gettysburg; our candidate's father and his two uncles fought in the Civil War; since then his father has devoted himself to public service, serving in the legislature, as Comptroller of the State in 1880 and 1881, and as Congressman for twenty years. Is it not unreasonable to suggest that a man with such a record and inheriting such traditions and springing from such a race will ever be found wanting in patriotism as United States Senator and is not to be depended upon as the successor of Senator Root to support a Democratic President if and when he should be supported?

A few facts bearing upon the Democratic candidate for Governor should be placed before you. The staff and offices of the Executive Chamber at Albany are now being used day and night in distributing campaign material puffing the Governor. The New York Evening Post last week criticised this performance as grossly improper and entirely out of keeping with the dignity of the gubernatorial office. I have in my hands a *fac-simile* of a letter purporting to be in Governor Glynn's handwriting and which is being sent by his direction on executive paper in executive envelopes by executive employees to every farmer throughout the State. It is impressively headed:

"State of New York
Executive Chamber
Albany"

and reads as follows:

"DEAR SIR:—

I am greatly interested in the Land Bank for which I led the fight here last winter. It will save the farmers alone of this state who have mortgages on their farms twenty-four million dollars every ten years. I think this Land Bank the greatest thing ever done for the farmers of this state. I want to interest you in it. For this reason I ask you to read the enclosed literature.

"If my work as Governor meets your approval I ask your support in this campaign. I started the Land Bank. I would like to remain in office to protect and perfect it.

Respectfully yours,
MARTIN H. GLYNN."

The alleged literature enclosed in this letter is a printed circular, with this heading in flaming type:

"LAND BANK NOW BEING ORGANIZED."

"SYSTEM TO SAVE FARMERS $24,000,000 UNDER WAY."

"GOVERNOR GLYNN'S EFFORT FOR NEW YORK'S FARMERS ABOUT TO BEAR FRUIT."

This circular contains a number of grossly misleading and deceptive statements. So much is this so that I venture to assert that if some of these statements were being used by any one of the many wild-cat financial concerns that seek to delude and defraud the farmer and get his money instead of his vote, the United States Post Office Department would issue a "fraud order" prohibiting the use of the mails for such a deception, and the Department of Justice would lay the matter before a grand jury.

The whole of this long circular which is thus being circulated by our Governor as a bait to the farmer should be read. Perhaps a copy of the Governor's letter has been sent to all of you, although probably this attention has been confined to the Republican farmer. I will read you an extract from the circular which will fairly represent the whole.

"To take a concrete case, on a thousand dollar loan renewed for ten years at 6 per cent. under the old system the farmer pays $60 interest each year or $600 in all and the principal at the end of the loan, making his total payments $1,600. Under the land bank system the farmer pays $135.86 each year for a thousand dollar loan for ten years, or $1,358.68 altogether.

"In other words, his $1,000 loan costs him $241.32 less under the land bank system than under the old mortgage system.

"At present there are $100,000,000 of mortgages on the farms of New York. If these mortgages were converted into land bank loans, the farmers of New York would be saved $24,132,000. And if they were converted into fifty year land bank loans, the farmers of New York would be saved $82,800,000."

On the stump Governor Glynn is repeating this kind of argument, and last week he told a farmer audience that the debentures to be issued by the new bank would be readily bought and that the bank would not only be able to loan money as cheaply as a private bank, but, because of the privileges it enjoyed, would be able to loan money at as low a rate as 4 per cent!

The claims made on behalf of this scheme indicate an obvious and deliberate attempt to fool the farmers of the State. They are inexcusable because Governor Glynn has been a director in one or more banks and a holder of a large amount of bank stock! In the first place, this new catch-vote concern is called the Land Bank of the State of New York, and the impression sought to be conveyed by the title is that in some way it is a state institution, though it is entirely private. The capital of the bank as now organized is $100,000, and it is prohibited from investing that capital or any of its other funds in bonds secured by first mortgage on real estate in excess of 60 per cent. of the appraised value, or receiving from its members bonds and mortgages on farm lands if the amount secured by any such mortgage is in excess of 75 per cent. of the appraised value. It

is authorized—and here lies a wild-cat banking joker—it is authorized to incur indebtedness upon its notes and bonds up to "twenty times the amount of its capital." In other words, the Land Bank is authorized to incur debts up to $2,000,000 upon a capital of only $100,000, that is to to say, a security of one dollar for every twenty borrowed on its notes or bonds! The Land Bank is further authorized to issue bonds on behalf of its members, who are to be savings and loan associations, up to twenty times the amount of its shares of capital stock held by any such member, but not in excess of 80 per cent. of the value of the collateral pledged with the Land Bank. Is it not preposterous to assert that such a concern will now or ever have a ready market for $100,000,000 of debenture bonds, or will be able to borrow money and then lend it to the farmers at 4 per cent?

The pretended saving to the farmers of $24,000,000 in ten years, as stated by Governor Glynn, and the concrete case which I have quoted from his so-called literature need only be examined to be exploded. There is nothing in the statute which in any way works or could possibly work such a miracle of finance. The Governor's "literature" puts a concrete case which means no more than that, if a borrower pays his indebtedness in instalments, he will gradually reduce the principal of his debt and correspondingly reduce the amount of interest he has to pay in the future. In other words, if a farmer instead of paying only $60 a year interest on $1,000 pays $135, of which $75 is on account of principal, he will have to pay so much less interest the next year. Is there anything novel in this proposition? Was there ever a time in the history of the world since borrowing on interest began when a borrower could not save interest by paying off part or the whole of the principal debt, and is there a lender, individual or corporate, in this or any other state or country, who has not the "privilege" of agreeing to accept repayment of the principal in instalments? Governor Glynn might just as sensibly and

truly have said to the farmers that, if they would only pay off the principal of all their $100,000,000 of mortgages, they would not have to pay any more interest in the future, and that this would mean a saving to them of $60,000,000 in ten years by the grace of Glynn! Or if he likes larger figures and a higher degree of delusion, he might have said that the saving in fifty years would be $300,000,000! Yet in final analysis such a statement would be no more absurd or preposterous, or, if possibly believed by anyone outside of a lunatic asylum, more deceptive than Governor Glynn's pretense that his new Land Bank is going to save the farmers of the State of New York $24,000,000 in ten years, or in fact 24 cents!

What a sad picture is before the country when the Governor of the State of New York descends to such a transparent attempt to deceive farmers and catch a few votes!

I regret that I have not time to lay before you the facts in relation to the gross waste of public funds and the enormous increase of offices and salaries under the state administration of the Democratic Party. Mr. Whitman has given you a few of the numerous instances of the appointment of criminals to important positions of trust and power. I gave the figures two weeks ago showing an increase of nearly $12,000,000, or 47.8 per cent. over the last administration of Governor Hughes, and increases in the payroll of the State at the rate of $1,187,755 per annum, or practically $100,000 per month, since Governor Glynn became Governor. Every one knows there has been graft and corruption in all departments of the state government. All the candidates promise to clean the stables. But Governor Glynn has had more than a year to do it, and has done nothing except to keep the stable door locked and to protect the grafters high and low who are inside. We want in the Governor's chair a capable, fearless, incorruptible prosecutor. The most competent prosecutor in the State—a man of

deeds not words, of actual performance, not mere promise—is needed to do the work. Who is there in the whole State so competent for that task as Charles S. Whitman? Is he not the very incarnation of the enforcement of the criminal law? If life is safe to-night in this City, it is due to one man, and that man should be our next Governor.

The vacancy in the Court of Appeals presents to the voters of the State of New York a question equal in importance to that presented by the Constitutional Convention. Is the confidence of the people in that great court, our tribunal of last resort, to be shattered? I have prepared and there has been distributed among you tonight a circular explaining this judiciary question. Unfortunately I have not time to discuss it now at any length. If you will read this circular, you will have the facts before you and will be able to form your own opinion, and I hope it will be that Judge Chase should be elected and should have the support of every party. He is eminently fit and qualified; he has been a Justice of the Supreme Court for eighteen years, of which nine have been in the Court of Appeals by designation of the Governor, and his scholarship, industry, impartiality and spotless character are beyond dispute.

The newspapers report that a campaign committee of lawyers has been organized to support the candidacy of Judge Seabury for Associate Judge of the Court of Appeals, and Mr. Samuel Untermyer has constituted himself the spokesman of this committee. Every one knows that a numerous endorsement of any judicial incumbent by some of our ten thousand members of the bar is too readily obtainable and that a general endorsement is never an answer to specific objections to a candidate's availability, particularly if such objections are matters of public record. Mr. Untermyer describes the circular which I wrote as scurrilous, vicious and untruthful. You will read it and judge for yourselves. If it is untruthful, let him or his committee point out in

what respect. I am responsible for it, and I reiterate its statements now and here. Facts cannot be washed off the slate of any man's career by mere vituperation. Is Judge Seabury's political career correctly stated in that circular? Has he veered in his political associations with every change in the political wind as I have asserted? Did he or did he not last year, as the candidate of the Progressive Party on a platform pledged to the recall of judges and judicial decisions, indecently abuse the Court of Appeals, to the honor of a seat in which he was then and is now aspiring? I could readily have made the sketch far more effective by quoting more extracts from some of his radical and intemperate utterances while a judge, as well as from the editorial pages of the New York papers. Thus in October, 1906, when Judge Seabury was running for Justice of the Supreme Court, the New York Times, in its editorial columns, said:

> "With two of the Judges upon the Tammany ticket the case is very different. They were named by Mr. Hearst, and they have lately come before the public in no capacity save as Hearst workers. They are important members of the Independence League staff. They are Hearst partisans. They are known to accept his ideas and share his ill-considered views of the revolutionary changes that ought to be wrought in society and the State. Mr. —— and Mr. Seabury are simply agitators. They are much nearer Mr. Hearst, they are much more intimately inwrought with his schemes and interests than any lawyer is with the general interests of his client. In short, the objections to their going upon the bench are valid, and with intelligent voters should be controlling. When we begin to put men upon the bench because of their service to a particular individual or a particular cause, we fall back into the mire of the long time Tammany practice."

By 1908, however, Judge Seabury, then a Justice of the Supreme Court, publicly repudiated and attacked Mr. Hearst, and in violent and intemperate language un-

becoming the dignity of a judge was supporting Mr. Bryan as his ideal of a fit candidate for President of the United States. One metropolitan newspaper, the Evening Post, said of him a few years ago in its voters' directory: "Samuel Seabury"—I am quoting—"does not allow his judicial position to interfere with his political activities." Is that not as true to-day as it was true then?

Finally as to the fact that the circular is anonymous. I was asked by the Chairman of the Republican State Committee to prepare a statement on the judiciary question, and I did so. I inquired at Republican headquarters whether such a statement of the public record of candidates should be signed, and I was told that it was not customary to sign such political circulars. I examined a number of circulars at headquarters and found them all unsigned. I further found that the practice at Democratic headquarters was the same, and I have a number of circulars which I procured at Democratic headquarters, all of which are unsigned. I certainly did not fail to sign the circular because I shirked responsibility for its statements. I thought then and think now that the bare statement of facts, recalling to the public what had already been published and was familiar to so many, needed no signature. I prepared the circular because I conceived it to be my duty to protest and do all in my power to prevent Judge Seabury, able though he is and hence doubly dangerous because of his demagogism, from being elected for fourteen years to the highest judicial tribunal in our State. Let us at least, before it is too late, save that great court from the baneful influence of Tammany and Hearstism and all that they imply.

[The judiciary circular referred to in the foregoing speech is hereto annexed.]

THE JUDICIARY.

AN IMPARTIAL AND NON-PARTISAN COURT OF APPEALS.

The Court of Appeals is the highest judicial tribunal in our State. It has constantly to decide difficult and intricate questions of law affecting life, liberty and property and the permanent interests and welfare of all classes of the community, and it is, with increasing frequency, called upon to determine controversies involving political questions, such as the constitutionality and construction of primary and election laws. There is no court in which learning, capacity, impartiality and judicial experience are more necessary, nor any from which it is more essential that politics should be eliminated.

Ever since the re-organization of the court in 1870, it has been the sentiment of the people of the State that it was desirable that no political party should unduly preponderate in its membership. The constitutional amendment of 1869 sought to enforce this principle by providing that each elector should vote for only four Associate Judges. As lately constituted, before the lamented death of Judge Hornblower, the court consisted of five Democrats and two Republicans. If Judge Chase, who has been nominated by the Republican party to fill the existing vacancy, should be elected, the political complexion and division of the court will be four Democrats and three Republicans, whilst if the joint nominee of the Democratic and Progressive Parties be elected, the court will consist of five Democrats and two Republicans.

Emory A. Chase of Catskill, Greene County, was admitted to the bar in 1880, and has had a large and varied experience as a practising lawyer and also as a public official. He served as a member of the Catskill Board of Education from 1887 continuously until 1896, the last five years as its President. He also served as Supervisor of the Town of Catskill and as Village Counsel for many years. In 1896 he was nominated by the Republican Convention of the Third Judicial District for the office of Justice of the Supreme Court, and was elected by a majority of 12,680 votes. He was the second Supreme Court Justice ever elected by the Republican Party in that district. He served as a Trial Justice until January, 1900, when he was appointed to act as a member of the Appellate Division of the Supreme Court for the Third Department. He sat as a judge of the Appellate Division until December, 1905, when he was designated by the

Governor as Associate Judge of the Court of Appeals, where he has since served. In 1910, at the expiration of his first term of fourteen years, he was unanimously renominated by the Republican Convention of the Third Judicial District, and then received the unusual compliment of a unanimous endorsement by the Democratic Convention.

Judge Chase has, therefore, been serving in the Supreme Court and in the Court of Appeals for eighteen years, nine of which have been in the Court of Appeals. The opinions which he has written for the court, both at the Appellate Division and in the Court of Appeals, have shown exceptional legal learning and ability as well as special capacity for the work of an appellate tribunal.

In 1912 Judge Chase was nominated by the Republican Party for election to the Court of Appeals. His candidacy was endorsed by the State Bar Association and the Association of the Bar of the City of New York. He was then considered to be conspicuously fit and competent for the office, and was supported by the bar of the State irrespective of party affiliations. A large number of lawyers signed an address to the electors of the State certifying that in their judgment he had shown exceptional qualification for high judicial office, that he had given entire satisfaction to the bar and to litigants, and that the State ought not to be deprived of the benefit of his long judicial experience and demonstrated fitness. Whilst the Republican vote for Governor in 1912 was 444,105, the vote for Judge Chase was 467,743. Judge Chase declined to be a candidate in 1913, in order that Judge Werner might be nominated for Chief Judge and Judge Hiscock for Associate Judge.

Judge Chase's qualifications for a permanent place on the Court of Appeals have been demonstrated by actual service. He has the necessary experience, moral fitness, independence, courage and capacity. His scholarship, industry and devotion to duty, and his upright and pure character render him an ideal candidate for high judicial office.

The Association of the Bar of the City of New York, at a meeting held on October 13, 1914, declared Judge Chase to be eminently fit and qualified for the office of Associate Judge of the Court of Appeals and unanimously approved and endorsed his nomination; but it did not approve or endorse the nomination of Judge Seabury for the same office.

Samuel Seabury of the City of New York was admitted to the bar in 1894 at the age of twenty-one, and is now forty-one years of age. Shortly after his admission, he became active in politics and was known as a radical of somewhat extreme views. In 1897 he supported Henry George in the mayoralty campaign, advocated his theories and became President of the Single Tax Club. In 1899 he was nominated for the office of Judge of the City Court on the Citizens Union ticket but was defeated. Two years later he was nominated for the same office on the Fusion ticket as an avowed Democrat and representative of the Labor Unions and was elected.

In 1904 Judge Seabury assailed Judge Parker, the Democratic candidate for President, and publicly declared his intention to cast his vote for Thomas E. Watson, the Populist candidate for President. The following year, although then a member of the bench of the City Court, Judge Seabury took the stump in favor of Mr. Hearst for Mayor and again in 1906 in favor of Mr. Hearst for Governor, using in his speeches language which was intemperate and improper on the part of a judicial officer. Whilst serving as a judge of the City Court, he became one of the incorporators of Mr. Hearst's Municipal Ownership League and later of Mr. Hearst's Independence League. In 1905 Judge Seabury ran for the office of Justice of the Supreme Court on the ticket of the Municipal Ownership League but was defeated. In 1906 he was nominated for the same office on the Tammany ticket and was subsequently nominated on the Independence League ticket, when he was elected. During the course of this campaign Judge Seabury made intemperate speeches lauding Mr. Hearst and abusing Mr. Hughes and the Judicial Nominators, including Mr. Choate and Judge Parker. After his election to the Supreme Court in 1906, he continued to take an active part in politics and was and is still known as a political judge.

Judge Seabury broke with Mr. Hearst in 1908, left the Independence League, came out for Mr. Bryan and publicly accused Mr. Hearst of putting a national ticket in the field merely to injure Mr. Bryan and thus gratify his personal desire for revenge. By 1909 Judge Seabury seems to have joined a short-lived faction called the Municipal Democracy, which was proclaimed to be an organization of independent citizens, but which turned out to be in fact an adjunct of Tammany Hall aiding in the election of its candidate for Mayor. Since then Judge Seabury has been urged for different political offices. He was

reported to be a candidate for Mayor last year and is said to have sought the Democratic nomination for Vice-President.

In 1912 he appears to have supported the Democratic National ticket as well as the candidacy of Tammany's nominee for Governor, Mr. Sulzer. By 1913, however, he had become an ardent Progressive, and became the candidate of that party for the office of Associate Judge of the Court of Appeals. In accepting the nomination, Judge Seabury made an attack on that court in a prepared written address, in which he stated among other things that the court "has resorted to strained and technical constructions of constitutional provisions in order to nullify remedial legislation, and a long series of decisions upon the labor laws of the State demonstrate that the court is dominated by a spirit of reactionism." He then added that class bias unconsciously dominated the judges of the court and that, "whatever their intentions, the decisions which they have made and the spirit which actuates the court in its consistent and persistent opposition to every fundamental social reform, have resulted in obstructing justice and in weakening the confidence of the people in their courts." He also said in the same address that the class bias of the judges of the Court of Appeals "in favor of the few who have been enriched by unjust laws makes the worst possible kind of a judge," and added that the court "not content with exercising legislative functions in such a way as to make unjust laws . . . . assumes the reactionary position of declaring unconstitutional remedial legislation which seeks to do away with the injustice resulting from judge-made law."

Judge Seabury is equally intemperate and unjudicial in his criticism of the Executive. For example, in an interview published in the New York American on March 19, 1914, shortly after the rumor of his reconcilation with Mr. Hearst, Judge Seabury is reported as saying of President Wilson in regard to the tolls-repeal clause of the Panama Canal bill, that "his message on this subject is probably the weakest substitute for an argument that any President ever submitted to an American Congress."

The present nominations of Judge Seabury are clearly the result of a deal on his behalf between Tammany, the Progressives and the Hearst Independence League. The Progressives have secured the endorsement of their candidate for the Court of Appeals, which will enable them to proclaim, in the event of his election, that they had triumphed in their attack on the courts.

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